

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

|  |   |                     |
|--|---|---------------------|
| In the Matter of                               | ) |                     |
|  | ) |                     |
| Federal-State Joint Board on Universal Service | ) | CC Docket No. 96-45 |
|  | ) |                     |
| RCC Holdings, Inc. Petition                    | ) |                     |
| For Designation as an Eligible                 | ) |                     |
| Telecommunications Carrier                     | ) |                     |
| In the State of Alabama                        | ) |                     |

**COMMENTS OF THE  
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA")<sup>1</sup> hereby submits its Comments in the above captioned proceeding<sup>2</sup> in support of the Petition for eligible telecommunications carrier ("ETC") designation filed by RCC Holdings, Inc. ("RCC").

**INTRODUCTION**

On March 19, 2002, RCC filed a petition ("*RCC Petition*") seeking ETC designation throughout its licensed service area in the State of Alabama. Consistent with CTIA's position in earlier comments, CTIA supports RCC's petition, which demonstrates that RCC meets the requirements for designation as an ETC. Section 214(e)(6) provides for ETC designation of

---

<sup>1</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

<sup>2</sup> *Wireline Competition Bureau Seeks Comment on RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier Throughout Its Licensed Service Area in the State of Alabama*, CC Docket No. 96-45, Public Notice, DA 02-746 (rel. Apr.2, 2002).

carriers not subject to state commission jurisdiction. Specifically, Section 214(e)(6) states, in relevant part:

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the 2 requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law.<sup>3</sup>

Furthermore, as a commercial mobile radio service (“CMRS”) provider that will offer a basic universal service package to subscribers who are eligible for Lifeline support, the FCC has the authority to grant ETC status to RCC pursuant to 47 U.S.C. Sections 214(e)(3) and (e)(6).

## **DISCUSSION**

### **A. RCC Is Not Subject To the Jurisdiction of the Alabama Public Service Commission**

Pursuant to Section 214(e)(6), the Commission shall designate as an ETC a common carrier providing telephone exchange service and exchange access service that is not subject to the jurisdiction of a State commission, so long as the carrier otherwise meets the Act’s requirements. The Commission has held that wireless carriers provide exchange access service: “[M]any CMRS providers (specifically cellular, broadband PCS and covered SMR) also provide telephone exchange service and exchange access as defined by the 1996 Act.”<sup>4</sup> The Commission has also stated that a carrier may demonstrate that it “is not subject to the jurisdiction of a state commission” by providing an “affirmative statement” from the state commission or a court of

---

<sup>3</sup> 47 U.S.C. §214(e)(6). *See also* Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, *Public Notice*, 12 FCC Rcd 22947 (1997).

<sup>4</sup> Implementation of the local Competition Provisions in the Telecommunications Act of 1996, *First Report and Order*, CC Docket 96-98, at ¶1012. *See id.* at ¶1004 (“Congress recognized that some CMRS providers offer telephone exchange and exchange access services”).

competent jurisdiction that the state lacks jurisdiction to perform the designation.<sup>5</sup> The Alabama Public Service Commission (“Alabama PSC”) has provided an affirmative statement from an Administrative Law Judge of the Alabama PSC that the Alabama PSC does not regulate CMRS carriers.<sup>6</sup>

**B. RCC Offers All Of the Services Supported by Universal Service Support Mechanisms**

RCC addressed the nine services and functionalities identified in the Commission’s rules, 47 C.F.R. 54.101(a), that are the core services to be offered by an ETC and supported by federal universal service support mechanisms.<sup>7</sup> RCC’s universal service offering will be provided throughout its cellular service area in Alabama over its existing cellular network infrastructure and spectrum, including the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used to serve existing mobile cellular service subscribers.<sup>8</sup> RCC further states that it will advertise its new universal service offering to ensure that consumers within the designated service areas in Alabama are aware of the service. RCC has satisfied the requirements of Sections 254 and 214(e)(1)(A) of the Communications Act of 1934 and Section 54.101(a) of the Commission’s rules regarding ETC eligibility.

---

<sup>5</sup> See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, *Twelfth Report and Order, and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 12208, 12264 (2000).

<sup>6</sup> See RCC Petition at Exhibit A.

<sup>7</sup> See RCC Petition at 4-8.

<sup>8</sup> See RCC Petition at 8.

**C. Designating RCC as an ETC will advance the public interest**

The Commission must consider the public interest prior to designating RCC as an ETC. CTIA agrees with RCC that a grant of RCC's application will serve the public interest by bringing the benefits of competition to an underserved marketplace and bring new advanced telecommunications services to consumers in Alabama.<sup>9</sup> Furthermore, designating RCC as an ETC promotes the development of advanced communications and is consistent with the principal goals of the universal service program.

---

<sup>9</sup> See RCC Petition at 13-16.

## **CONCLUSION**

For the foregoing reasons, the Commission should exercise its authority to grant ETC status to RCC for its licensed services in the State of Alabama.

Respectfully submitted,

/s/ \_\_\_\_\_

### **CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

1250 Connecticut Ave., N.W., Suite 800  
Washington, D.C. 20036  
(202) 785-0081

Michael F. Altschul  
Senior Vice President & General Counsel

Sarah E. Leeper  
Staff Counsel

Its Attorneys

May 23, 2002